



TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER

30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519

BOOK 15603 PAGE 31

RECEIVED-TOWN CLERK
TOWN, MA.

APR 6 8 39 AM '93

PLANNING BOARD

DECISION OF THE PLANNING BOARD
PRELIMINARY SUBDIVISION PLAN
AND
MAJOR RESIDENTIAL DEVELOPMENT SPECIAL PERMIT
FOR
FIELDSTONE FARMS
Elizabeth Kazarian
MARCH 8, 1993

92-18

Decision of the PLANNING BOARD (hereinafter the Board) on the petition of Elizabeth Kazarian, 24 Wheeler Road, No. Grafton, MA 01536 (hereinafter the Applicant) for property known as Fieldstone Farms. Said property is shown on the Grafton Assessor's Map Number 45 Parcel Number 8 (hereinafter the Site) and consists of 31.4+ acres.

This decision is in response to an Application for a Preliminary Subdivision Plan and a Special Permit for a Major Residential Development utilizing Flexible Development submitted to the Board on October 14, 1992 (hereinafter the Applications), by the Applicant for approval to build Fieldstone Farms, a 35 lot residential subdivision utilizing Flexible Development proposed for the Site and submitted to the Board as required by both the Town of Grafton Subdivision Rules and Regulations last amended June 22, 1992, and the Town of Grafton Zoning Bylaw, last amended May 11, 1992 and under Massachusetts General Laws Chapter 41, Section 81-K through 81 GG, inclusive and Massachusetts General Laws Chapter 40A respectively.

After causing notice of the time and place of its public hearing and the subject matter thereof to be published, posted and mailed to the Applicant, abutters, and other parties in interest as required by law, Robert Hassinger, Chairman, called the meeting to order on Monday, December 14, 1992 at 7:30 PM in the Ed McHale Memorial Conference Room, Grafton Municipal Center, 30 Providence Road, Grafton, MA 01519. Planning Board members Michael Sowyrda, Rand Bardsley, Cindy McDermid, Ellias Hanna and Chairman Robert Hassinger were present for the public hearings. The Applicant was represented by George Connors, Connorsstone Inc., 276 W. Main Street, Northboro, MA, Larry Sabean, Land Surveyor Registration # 34625, William Medinger, Landscape Architect Registration # 4663, and Attorney Edward D. Simsarian of Worcester, MA. At 9:00 PM the hearing was continued until January 25, 1993 at 7:30 PM and at 8:45 PM it was continued again until February 8, 1993 at 8:15 PM

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

SEP 29 9 54 AM '93

when it was closed at 9:45 PM. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or the Planning Board Office.

Submitted for the Board's deliberation were the following exhibits:

EXHIBIT 1 - 13 copies of a Major Residential Development Plan and Preliminary Subdivision Plan for Fieldstone Farms encompassing a Flexible Development Plan and a Conventional Development Plan for Fieldstone Farms in Grafton, MA owned by Elizabeth Kazarian, 24 Wheeler Road, No. Grafton, MA 01536 dated October 9, 1992 and revised January 12, 1993 by Connorstone, Inc. 276 West Main Street, Northborough, MA 01532 consisting of 13 sheets:

Sheet 1	-	Land Use Plan "Flexible Development"
Sheets 2-3	-	Topographical Plans "
Sheets 4-6	-	Profile Plans "
Sheets 7-8	-	Topographical Plans, "Conventional Development"
Sheets 9-13	-	Profile Plans, "

EXHIBIT 2 - Supplementary Documentation required by the Zoning Bylaw and the Grafton Planning Board Rules and Regulations Governing the Subdivision of Land consisting of the following:

a) Cover letter and narrative from Connorstone Inc., dated 10/14/92; a properly executed Form B (Application for Approval of a Preliminary Plan); Form M, (Receipt of a Subdivision Plan); Project Information Summary Form; and a Special Permit Application for a Major Residential Development Flexible Development.

b) A certified list of abutters

c) Hydrologic Analysis Narrative and Drainage Calculations.

EXHIBIT 3 - Memoranda submitted to the Board by the Board of Sewer Commissioners dated 10/23/92 providing a check list for Plans for Sewer Construction; from the Superintendent of Schools stating no comments dated 10/16/92; from the Board of Health dated 10/29/92 indicating town sewers will be used; from the Conservation Commission dated 11/4/92 stating a Notice of Intent must be filed, wetlands crossing issues and the desirability of joint hearings; from Paul Grasewicz of Graves Engineering with engineering comments on the proposed plans; from the Town Planner containing the inventory form of the property and landscape in the Grafton Cultural, Historic and Architectural Survey for 24 Wheeler Road indicating that the property is National Register Eligible, Preliminary Subdivision Plan Checklist and Flexible Development Plan Checklist, a Staff Report dated 12/8/92; memo on Process Issues dated 12/8/92, A Staff Report dated 1/25/93, and a memorandum on Kazarian Flexible Development date 2/1/93.

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

EXHIBIT 4 - Letter to the Planning Board from D. Preston Hall, Connorstone, Inc., dated 12/8/92 regarding engineering issues with Fieldstone Farms Preliminary Subdivision Plan, including subdivision waiver requests, a request to extend the time for a preliminary subdivision plan decision to run concurrent with the special permit process for Fieldstone Farms, deep test hole results from the site, commitments to place conservation restrictions in accordance with the bylaw upon the open space in the development, and addressing Graves Engineering's comments.

EXHIBIT 5 - Letter to Mr. Peter Lowitt, Town Planner dated 1/7/93 from Constance Posterro regarding water drainage problems at 4-6 Meadow Lane.

EXHIBIT 6 - Letter to Mr. Fred Haffty, Superintendent of Sewer Department, from Mr. Edward F. Copper dated 11/20/92 regarding water problems on Meadow Lane.

EXHIBIT 7 Letter to Mr. Edward F. Copper from David L. Therrien, Chairman, Board of Sewer Commissioners dated 1/5/93 replying to his concerns and assuring him that the BOSC would rectify the problem.

EXHIBIT 8 Memorandum to Susan F. Tierney, Secretary Executive Office of Environmental Affairs from Marcia Starkey, Department of Food and Agriculture regarding proposed nursing home for the Kazarian site date 11/24/92 and stating the importance of preserving prime agricultural lands found upon portions of this site.

EXHIBIT 9 Letter to the Board from Edward Simsarian, attorney for the Applicant requesting a continuation of the Public Hearing until 1/25/93.

EXHIBIT 10 - Letter to the Board from G. F. Connors agent for the Kazarians dated 1/25/93 requesting a continuation of the public hearing on Fieldstone Farms to resolve issues of open space ownership and maintenance.

EXHIBIT 11 - Letter to the Board from the Applicant date 2/8/93 stating her desire to retain ownership of all common land and to offer general public access through parcels A and B only.

EXHIBIT 12 -A letter to the Board from the Applicant stating her decision to utilize the Flexible Development Plan for Fieldstone Farms rather than the Conventional Development Plan for said property date 2/8/93.

EXHIBITS 1-2 are referred to herein as the Plan.

FINDINGS

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

After due consideration of the exhibits and the records of the proceedings the Board finds that:

- 1) The Town of Grafton voted to amend its Zoning Bylaws to allow Flexible Development on May 12, 1991 and these regulations must be complied with.
- 2) The Site is split zoned, with approximately half of the Site in the Medium Density Residential District (R-20) and half in the Low Density Residential District (R-40).
- 3) Town sewers are available. Connection to Town sewers is required.
- 4) The Town of Grafton Board of Sewer Commissioners has certain Rules and Regulations governing the specifications for sewerage construction which must be complied with.
- 5) There are wetlands on the site.
- 6) A Notice of Intent must be filed with the Grafton Conservation Commission.
- 7) Any Orders of Condition arising from the local and state wetlands permitting process are hereby incorporated and made part of this decision.
- 8) Grafton Water District water is available. Connection is required.
- 9) In consultation with the Grafton Conservation Commission, the Engineering Department and the Board of Health, the Planning Board determined that the base number of buildable lots under the conventional plan is 35 per section 5.3.5.1.2 of the By-Law.
- 10) Street A is a Minor Road "A". Meadow Lane is currently a Minor Road "C" and after development will be reclassified as a Minor Road "B".
- 11) Any change of ownership or management of the Common Land pursuant to Section 5.3.10.4 of the Flexible Development Bylaw, will be considered a "significant" change and require an amendment to the Special Permit.
- 12) After reviewing the considerations listed in Section 5.3.8 of the Flexible Development Bylaw the Board recommended to the Applicant that the Applicant pursue the flexible development option rather than the conventional development plans for the Site.
- 13) The Applicant agreed to utilize the Flexible Development plan for the Site, and submitted her selection of the Flexible Development Plan in writing pursuant to Section 5.3.9.

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

14) The Board reviewed Section 5.3.13, Design Guidelines (a) through (l) to determine how the Flexible Development Plan complied with them:

- a) The proposed development preserves open fields and pastures, preserving 8 acres closest to the Farm and Wheeler Road. This finding is conditioned upon the Kazarians placing a restriction in a form acceptable to the Board as provided in Section 5.3.12 (4) in the Bylaw to permanently protect these 8 acres.
- b) The flexible development plan does not maintain a 100' buffer of natural vegetation from surface waters and wetlands and therefore this guideline is not met.
- c) The flexible plan leaves unblocked or uninterrupted scenic views and vistas from public roads (Wheeler Road) thus complying with this guideline.
- d) The Site does not contain habitat of species listed as threatened or endangered on the 1992 map of estimated habitats of rare wetlands wildlife by the Massachusetts Natural Heritage and Endangered Species Program. Therefore, the guideline is not met.
- e) The flexible development plan does not protect places of historic or archeological significance as the Applicant will not be placing the property on the National Register. The guideline is not met.
- f) The elements of the Flexible development plan are arranged favorably with and so as to protect valuable natural environments such as stream valleys, outstanding vegetation, water bodies or scenic views. This guideline is met.
- g) The flexible development plan complies with the guideline to protect major street appearance and capacity by limiting curb cuts onto Wheeler Road.
- h) The flexible development plan neither addresses screening areas of low visual interest nor maintenance of the open space. This guideline is not met.
- i) The flexible development plan does not comply with the guideline to provide active recreations based upon the most recent Grafton Open Space and Recreation Plan. The guideline is not met.
- j) The flexible development plan does not provide a well designed pedestrian circulation system, as public access is only allowed on parcels A and B, and not on parcels C and D.
- k) Access to the Common Land is not clearly delineated. It is not allowed on parcels C and D. This guideline is not met.

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

15) The Applicant does not qualify for a density bonus under 5.3.5.2. However, the Applicant had indicated during the hearing that she was not seeking a density bonus.

16) The Flexible Development Plan complies with the Bylaw and enhances the purposes of Flexible Development as set forth in 5.3.2 per 5.3.8.a.

17) The proposed uses of the land shown on the Flexible Development Plan are in harmony with the existing and probable future uses of the surrounding area and neighborhood. The open space meshes nicely with neighboring protected open space owned by the Grafton Forest and Land Conservation Trust. The residential development is on a scale with the existing development on Meadow Lane.

18) The Flexible Development Plan is more beneficial to the town than the conventional plan per 5.3.8.c because the town gains 40%+ of the land as permanently protected open space while protecting valuable natural streams and wetlands. The Flexible Development Plan proposes 2300 lf of roadways as opposed to 4300 lf with the conventional development plan.

19) The proposed Flexible Development Plan will be connected to public water and public sewer and will protect the environment of the site per 5.3.8.e.

20) As a condition of approval, the Applicant, at the time of submission of the Definitive Subdivision Plan, shall provide appropriate dedications and restrictions pursuant to Section 5.3.12 (4) in a form satisfactory to the Board for recording at the Worcester Registry of Deeds per 5.3.11.a.

21) The Board voted to allow the use of the Common Land per 5.3.11.d for natural retention and detention facilities, to allow public parking on Parcel A as shown on the plan, that a trash receptacle be located on Parcel A, and that open space on Parcels C and D be left in their natural or open state and that any use be confined to passive recreation or haying and gardening as shown on the plan.

22) Per 5.3.12 the Board voted to make it a condition of their approval that at the time of submission of the Definitive Subdivision Plan the Applicant should also submit in a form satisfactory to the Planning Board a perpetual conservation restriction conforming to the Massachusetts Division of Conservation Services standards and enforceable by the Town of Grafton for the Common Land.

23) The Applicant proposes to retain ownership of Parcels A, B, C, and D and to allow public access only on parcels A and B.

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

24) A traffic study is required per 3.3.18 of the Subdivision Rules and Regulations at the time of filing of the Definitive Subdivision Plan.

25) The Board reviewed the Applicant's waiver request and voted to Grant a waiver per 4.1.3.6 to allow Streets to be laid out to intersect at less than 600'.

26) The Flexible Development Plan complies with each of the findings of 1.5.5 of the Zoning Bylaw for granting a special permit per 5.3.8. (d).

- a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe are adequate.
- b) Off-street parking and loading areas where required with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district are adequate.
- c) Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above are adequate, provided a trash receptacle be placed by the parking lot on Parcel A as shown on the plan.
- d) Screening and buffering with reference to type, dimensions and character are adequate (this does not preclude the Board from revisiting this at the definitive plan stage).
- e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district are adequate provided that the provisions of the Subdivision Rules and Regulations and Zoning Bylaw are met at the definitive plan stage.
- f) Required yards and other open space are adequate.
- g) General compatibility with adjacent properties and other property in the district. The project is generally compatible in that adjacent properties are single-family residences and agricultural and open space.
- h) There will not be any significant adverse impact on any public or private water supply.
- i) The project is not in the Water Supply Protection Overlay District and therefore this finding is met.

27) The Applicant has agreed (12/8/92) to relocate the existing cart path within Parcel B so that it will extend to the Grafton Forest and Land Conservation Trust property trail as shown on the Plan and will allow use of said cart path as part of said trail system.

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

28) A complete detailed hydrologic and stormwater analysis must be submitted for the Definitive Plan. The 50 year storm shall be used for storm drains and 100 year storm for culvert design. The calculations submitted use a 300 foot sheet flow length and the regulations limit the maximum length to 75 feet.

Conclusion:

- 1) The Board voted to approve the Flexible Development Plan for the Site.
- 2) Such approval is contingent upon the conditions contained within the findings above and those listed below, including submission of a Definitive Subdivision Plan based upon the Flexible Development Plan per 5.3.10.2.

Conditions:

- 1) All site development and construction of the Project shall be performed in accordance with the Plan and with all state, federal and Town laws, ordinances and regulations applicable to the project. All required permits and approvals shall be obtained and copies shall be filed with the Planning Board.
- 2) Any Order of Conditions issued by the Grafton Conservation Commission with respect to the Project are hereby incorporated by reference and constitute a condition of this Special Permit.
- 3) A Definitive Subdivision Plan complying with the Subdivision Rules shall be submitted to the Board per 5.3.10.2.
- 4) The front, side and rear setback lines for each lot shall be shown on the Definitive Subdivision Plan per 5.3.6.g.
- 5) The Applicant's failure or refusal to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the denial of occupancy permits with respect to the Project.
- 6) At the Applicant's cost and expense, the Project shall be connected to and serviced by Town of Grafton sewage disposal systems in accordance with plans approved by the Grafton Board of Sewer Commissioners.
- 7) At the Applicant's cost and expense, the Project shall be connected to and serviced by Grafton Water District water in accordance with plans approved by the Grafton Water District Commissioners.
- 8) Adequate off-street parking shall be provided including but not limited to the parking lot provided for on Parcel A. No on-street parking shall be permitted.
- 9) Under Section 5.3.10.4 of the Flexible Development Bylaw, any change of ownership or management of the Common Land will be considered a "significant" change and require an amendment to the Special Permit.
- 10) As a condition of approval, the Applicant, at the time

A true copy,
Attest:

Margaret A. Clark
Margaret A. Clark, Town Clerk of Grafton

of submission of their Definitive Subdivision Plan, shall provide appropriate dedications and restrictions in a form satisfactory to the Board for recording at the Worcester Registry of Deeds per 5.3.11.(a).

11) Public parking shall be provided on Parcel A as shown on the plan and a trash receptacle provided at that location as well. The Applicant shall retain responsibility for trash removal from this site as long as she retains ownership of the Common Land. Use of Parcel D shall be confined to passive recreation or haying and gardening as shown on the plan.

12) Per 5.3.12 the Board voted to make it a condition of their approval that at the time of submission of the Definitive Subdivision Plan the Applicant should also submit in a form satisfactory to the Planning Board a perpetual conservation restriction conforming to the Massachusetts Division of Conservation Services standards and enforceable by the Town of Grafton for the Common Land.

13) A traffic study is required per 3.3.18 of the Subdivision Rules and Regulations at the time of filing of the Definitive Subdivision Plan.

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

The Applicant by recording of this Special Permit in the Worcester District Registry of Deeds agrees to and accepts the conditions set forth in the Special Permit which acceptance shall bind the Applicant and its successors and assigns.

EXECUTED as a sealed instrument this 22nd day of March, 1993.

TOWN OF GRAFTON, MA PLANNING BOARD

BY [Signature]
Chairman

[Signature]
[Signature]
[Signature]

COMMONWEALTH OF MASSACHUSETTS

Worcester ss.

March 22, 1993

Personally appeared before me the above-named Robert Hassinger a member of the Grafton Planning Board, and acknowledged the foregoing to be his free act and deed on behalf of said Board.

[Signature]
Notary Public

My Commission expires: Dec. 23, 1994

May 7, 1993

This is to certify that the 20 day appeal period has expired on the above referenced Special Permit with no notice of legal appeal having been filed in this office. The appeal period began on April 6, 1993 and expired on April 26, 1993.

[Signature]
Maureen A. Clark
Town Clerk of Grafton

A true copy,
Attest:

[Signature]
Maureen A. Clark, Town Clerk of Grafton

ATTEST: WORC., Anthony J. Vigliotti, Register